

300.1033

### III. REMARKS

#### A. Status of the Claims

Claims 3, 6, 16, 17, 19, 20, 22-25 and 27-35 are pending. Independent claims 3, 19 and 33 have been amended to recite the limitations of claim 26 as agreed in the interview. Dependent claims 27 and 28 have been amended to correct dependency.

Support for new claim 34 can be found throughout the original specification as filed, e.g., on page 5, lines 18-24.

Support for new claim 35, e.g., original claims 3, 5 and 7; and page 5, lines 18-24.

It is respectfully submitted that no new matter has been added by virtue of these amendments.

#### B. Rejection under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected the pending claims under 35 U.S.C. §103(a) as being unpatentable over the combined disclosures of W.I.P.O. Publication No. WO 88/02342 to Eek (hereinafter "Eek"); U.S. Patent No. 6,365,184 to Depui *et al.* (hereinafter "Depui"); and U.S. Patent No. 6,253,920 B1 to Kallgren (hereinafter "Kallgren").

During the interview on March 24, 2004, it was discussed that the invention of Depui is directed to two or more different active substances combined in one fixed unit dosage form, as set forth, e.g., at column 2, lines 37-40 of Depui. It was further discussed that this is in contrast to the present invention wherein the two actives are in separate dosage forms.

It was argued during the interview that Depui teaches away from the present invention, e.g., at column 2, lines 36-38, by stating that "administration of two or even more different tablets to the patient is not convenient or satisfactory to achieve the most optimal results." It was respectfully submitted that in view of Depui, one of ordinary skill in the art would not be motivated to keep two drugs in two separate dosage forms as recited in the present claims and would be discouraged from this path.

BEST AVAILABLE COPY

300.1033

The Examiners agreed that assuming *arguendo* that Depui was properly combinable with Eek and Kallgren, the result would be two active agents in a single dosage form, contained in packaging material, rather than the packaging system of the present invention.

Accordingly, as the Examiners deemed Applicant's arguments persuasive in overcoming the prior art rejection during the interview, it is respectfully requested that the obviousness rejection be removed.

#### IV. CONCLUSION

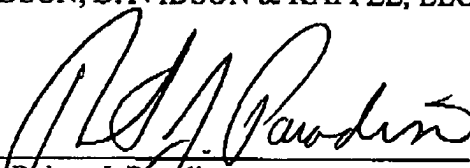
In view of the arguments presented, it is respectfully submitted that the application is in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully Submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By:

  
Robert J. Paradiso  
Reg. No. 41,240

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14th Floor  
New York, New York 10018  
(212) 736-1940

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKewed/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**